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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 OJ Liberta,

10 Plaintiff,

11 v.

12 Porsche Cars North America Incorporated,

13 Defendant.
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No. CV-24-03039-PHX-ESW

**REPORT AND
RECOMMENDATION**

15 **TO THE HONORABLE STEPHEN M. MCNAMEE, SENIOR UNITED STATES**
16 **DISTRICT JUDGE:**

17 The Court has received a Stipulation to Dismiss with Prejudice, indicating that the
18 parties have settled their case and agree to dismiss it with prejudice, each party to bear its
19 own attorneys' fees and costs (Doc. 8). Consent to magistrate judge jurisdiction has not
20 been filed by all parties (Doc. 6). Therefore, the Magistrate Judge will recommend that
21 Plaintiff's Complaint (Doc. 1) be dismissed with prejudice, each party to bear its own
22 attorneys' fees and costs.

23 **IT IS RECOMMENDED** that the Court dismiss Plaintiff's Complaint (Doc. 1)
24 with prejudice, each party to bear its own attorneys' fees and costs.

25 **IT IS FURTHER RECOMMENDED** that the Court instruct the Clerk of Court to
26 terminate the file.

27 This recommendation is not an order that is immediately appealable to the Ninth
28 Circuit Court of Appeals. Any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should

1 not be filed until entry of the District Court's judgment. The parties shall have fourteen
2 days from the date of service of a copy of this recommendation within which to file specific
3 written objections with the Court. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72.
4 Thereafter, the parties have fourteen days within which to file a response to the objections.
5 Failure to file timely objections to the Magistrate Judge's Report and Recommendation
6 may result in the acceptance of the Report and Recommendation by the District Court
7 without further review. Failure to file timely objections to any factual determinations of
8 the Magistrate Judge may be considered a waiver of a party's right to appellate review of
9 the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's
10 recommendation. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003);
11 *Robbins v. Carey*, 481 F.3d 1143, 1146-47 (9th Cir. 2007).

12 Dated this 8th day of January, 2025.

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16 Honorable Eileen S. Willett
17 United States Magistrate Judge
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